IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

OP.No. 13820 of 2000(T)

PETITIONER:

R.RAVEENDRAN NAIR,
ASSISTANT ENGINEER,
ELECTRICAL SUB DIVISION,
COLLEGE OF AGRICULTURE, VELLAYANI.

BY ADV. DR.K.P.KYLASANATHA PILLAY

RESPONDENTS:
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1. **THE KERALA AGRICULTURAL UNIVERSITY**
   REP. BY ITS REGISTRAR, VELLANIKKARA, THRISSUR.

2. **THE VICE CHANCELLOR,**
   KERALA AGRICULTURAL UNIVERSITY,
   VELLANIKKARA, THRISSUR.

3. **T.K.ABDUL KHADER,**
   ASSISTANT EXECUTIVE ENGINEER,
   ENGINEERING SUB DIVISION, VELLAYANI.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.
SMT. SHEELA DEVI for R1 & R2
SRI.BABU JOSEPH KURUVATHAZHA for R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.22389/2000 IN O.P.NO.13820/2000 T

DISMISSED

09/08/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,**
J U D G E.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER ISSUED BY THE RESPONDENT UNIVERSITY.**

EXT.P2: **COPY OF THE COMMUNICATION DTD. 27/03/1993 ISSUED TO THE PETITIONER.**

EXT.P3: **COPY OF THE G.O.(P) NO.269/80/GAD DTD. 2/07/1980.**

EXT.P4: **COPY OF THE RELEVANT PART OF THE DECISION TAKEN BY THE UNIVERSITY AT ITS MEETING HELD ON 17/02/1999.**

EXT.P4(A): **COPY OF THE COMMUNICATION NO.GA/A3/30770/92 DTD. 23/12/1995 ISSUED TO THE PETITIONER.**

EXT.P5: **COPY OF THE CIRCULAR NO.G4/A3/30770/92 DTD. 10/11/1997 ISSUED BY THE UNIVERSITY.**

EXT.P6: **COPY OF THE COMMUNICATION NO.GA.A3/2/303/98 DTD. 11/11/1998 REJECTING THE PETITIONER'S CLAIMS.**

EXT.P7: **COPY OF THE PROCEEDINGS NO.GA/J1/33036/87/DD DTD. 30/11/1991.**

EXT.P8: **COPY OF THE PROCEEDINGS NO.GA/J1/20464/99 DTD. 15/04/2000 ORDERING THE 3RD RESPONDENT'S PROMOTION.**

EXT.P9: **COPY OF THE PETITION DTD. 19/04/2000 SUBMITTED BEFORE THE 2ND RESPONDENT.**

..2/-

O.P.NO.13820/2000 T

3RD RESPONDENT'S EXHIBITS:

EXT.R3(1): COPY OF THE NOTIFICATION BEARING NO.SS(2) 44314/81-(2) DTD. 17/11/81 ISSUED BY THE 2ND RESPONDENT.

EXT.R3(2): COPY OF THE ORDER NO.SS(2) 29666/82 DTD. 10/01/83 ISSUED BY THE 2ND RESPONDENT.

EXT.R3(3): COPY OF ORDER NO.GA/896/B1/83 VELLANIKKARA DTD. 1/08/83 ISSUED BY THE 2ND RESPONDENT.

EXT.R3(4): COPY OF THE ORDER NO.GA/896/B1/83 (III) VELLANIKKARA DTD. 9/06/83 ISSUED BY THE 2ND RESPONDENT.

EXT.R3(5): COPY OF THE JUDGMENT IN O.P.NO.10854/85 AND 7759/86 DTD. 16/12/86 OF THIS HON'BLE COURT.

EXT.R3(6): COPY OF THE ORDER NO.GA(B1)-896/83 DTD. VELLANIKKARA 13/02/86 ISSUED BY THE 2ND RESPONDENT.

EXT.R3(7): COPY OF THE PROVISIONAL SENIORITY LIST OF GRADE – I OVERSEERS/DRAFTSMEN (CIVIL) DTD. 1/11/86 PUBLISHED BY THE 2ND RESPONDENT.

EXT.R3(8): COPY OF THE PROVISIONAL SENIORITY LIST OF ASST. ENGINEER (ELECTRICAL) DTD. 1/07/88 PUBLISHED BY THE 2ND RESPONDENT.

EXT.R3(9): COPY OF THE PROVISIONAL SENIORITY LIST OF ASST. ENGINEER (CIVIL) DTD. 1/07/88.

EXT.R3(10): COPY OF THE CIRCULAR NO.GA/A3/30770/92 DTD. 16/07/97 ISSUED BY THE UNIVERSITY.

/TRUE COPY/

P.S.TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.13820 of 2000-T

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Dated this the 9th day of August, 2007.

JUDGMENT

The issue raised in this writ petition is as to whether the official respondents have given effect to the directions issued by this Court on 16-12-1986 in O.P.Nos.18854/1985 and 7759/1986. By that order, the University was directed to fill up 2/5th number of posts of Assistant Engineers by promoting qualified Overseers/Draftsmen according to their seniority among them. This direction was issued after holding that out of the total posts of Assistant Engineers, 2/5th must be filled up by promotees. This is also in terms of the statutes in force.

2. With the passage of time, the petitioner appears to have been promoted following the directions of this Court

in O.P.No.8723/1993. But the fact remains that the due date as to his entitlement to be posted as Assistant Engineer and thereafter as Assistant Executive Engineer would depend upon the identification of the true relevant dates that would apply by giving effect to the directions of this Court referred to above.

In the aforesaid circumstances, this writ petition is disposed of directing that respondents 1 and 2 will make a review of the promotions from the period in relation to which the aforesaid directions were issued by this Court on 16-12-1986 in O.P.Nos.18854/1985 and 7759/1986 and it shall be ensured that the promotions are made only in conformity with the quota rule as directed. The re-fixation of seniority, if any, shall be done strictly following the quota rule and with notice to all persons whose seniority position may have to be reviewed in giving effect to the directions in the aforesaid judgment. Let the needful, following this judgment, be done within an outer limit of six months from

the date of receipt of a copy of this judgment and a compliance report shall be submitted by the Registrar of the University to the Registrar General of this Court within a further period of one month.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.13820 of 2000-T

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JUDGMENT

Dated: 9th August, 2007.